

Remarks

The Office Action dated September 16, 2009 has been carefully considered. Claims 1 and 6 have been amended without addition of new matter. Claim 7 has been cancelled, and new claims 20-24 have been added. Reconsideration of the current claims is respectfully requested.

Claim Rejections 35 USC § 112

In the Office Action, claims 1-6, 8-14, and 16-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection was based on the use of the term “fine.” Claim 1 has been amended to delete fine mooted this rejection. Withdrawal of this rejection is requested.

Claim Rejections 35 USC § 103

In the Office Action, claims 1, 2, 5, 6, 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qin et al. (US Pat. No. 5,985,434). Applicants traverse this rejection.

Claims 1, 2, 5, 6, 8, 16, and 17 are directed to a process consisting of the steps set forth therein and thereby exclude the freezing of the polymer/monomer as required by Qin et al. According to amended claim 1, the process for making the water-absorbent, foam-type polymer structures of the present invention is based on an aqueous composition (A) that is foamed by mechanical action or by the dispersion of an inert gas in the form of gas bubbles. Preparing the foamed aqueous composition by means of mechanical action or the dispersion of an inert gas, instead of a process wherein the aqueous composition is frozen, as defined by Qin et al., has the advantage that a foamed composition is obtained which is not solid, but which can be applied

onto a surface by spread-coating, knife application or pouring (page 19 lines 17-29). Such a non-solid foamed composition can also be applied to the surface of the substrate in defined areas, for example by the use of templates or screens (page 19, line 31 to page 20, line 7). The frozen, solid compositions disclosed in Qin et al. can not be easily applied to surfaces using such coating process.

Qin et al. discloses that it is essential for the preparation of the absorbent foam to freeze the polymer or monomer solution below the freezing point (col 9, lines 51-64) such that the solvent is in a state of a solid phase (col 12, lines 8-11) and wherein the polymer and the crosslinking agent, if present, form an essentially continuous matrix which will become substantially encased by the frozen solvent, forming an essentially uniform bicontinuous structure (col 12, lines 14-24). In addition, the Qin et al. process necessarily needs a suitable vacuum to sublime the frozen solvent (col 13, lines 43-56) forming a polymeric matrix to achieve a foam structure (col 14, lines 6-10). Accordingly, the foamed structure disclosed by Qin et al. is formed by freezing an aqueous polymer composition and subsequently subliming the water out of this frozen composition.

In view of the foregoing remarks, it is requested that the rejection of claims 1, 2, 5, 6, 8, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Qin et al. be withdrawn.

In the Office Action, claims 3, 9, 10, 12-14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qin et al. (US Pat. No. 5,985,434) in view of Hähnle et al. (Intl. Pub. No. WO 00/52087, English language equivalent US Pat. No. 6,750,262 used for citation purposes). Applicants traverse this rejection.

As set forth above, the current claims exclude the freezing step of Qin et al. In view of the foregoing remarks, it is requested that the rejection of claims 3, 9, 10, 12-14, and 18 under 35 U.S.C. 103(a) as being unpatentable over Qin et al. in view of Hähnle et al. be withdrawn.

In the Office Action, claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qin et al. (US Pat. No. 5,985,434) in view of Ishizaki et al. (US Pat. No. 6,001,911). As set forth above, the current claims do not include the freezing step of Qin et al. Applicants traverse this rejection.

As set forth above, the current claims exclude the freezing step of Qin et al. In view of the foregoing remarks, it is requested that the rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Qin et al. in view of Ishizaki et al. be withdrawn.

In the Office Action, claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qin et al. (US Pat. No. 5,985,434). Claim 7 has been cancelled to moot this rejection.

In the Office Action, claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qin et al. (US Pat. No. 5,985,434) in view of Hähnle et al. (Intl. Pub. No. WO 00/52087, English language equivalent US Pat. No. 6,750,262 used for citation purposes) as applied to claim 9 above, and further in view of Brueggemann et al. (US Pat. No. 6,033,769). Applicants traverse this rejection.

As set forth above, the current claims exclude the freezing step of Qin et al. In view of the foregoing remarks, it is requested that the rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Qin et al. in view of Hähnle et al. as applied to claim 9 above, and further in view of Brueggemann et al. be withdrawn.

In the Office Action, claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Qin et al. (US Pat. No. 5,985,434) in view of Chen et al. (US Pub. No. 2001/0024716).

Applicants traverse this rejection.

As set forth above, the current claims exclude the freezing step of Qin et al. In view of the foregoing remarks, it is requested that the rejection of claim 19 under 35 U.S.C. 103(a) as being unpatentable over Qin et al. in view of Chen et al. be withdrawn.

Conclusion

In light of the amendments and remarks presented herein, it is submitted that the application is in a scope and form for allowance. An early and favorable action on the merits is respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is urged to telephone Applicants' counsel at the indicated number provided below.

Respectfully submitted,

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